

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: FISHMAN10A

In re Application of:	)	Conf. No.: 9316
	)	
Pnina FISHMAN	)	Art Unit: 1643
	)	
Appln. No.: 10/689,550	)	Examiner: H. Sang
	)	
Filed: October 21, 2003	)	Washington, D.C.
	)	
For: A3AR AS A MARKER FOR A	)	
DISEASED STATE	)	

**DECLARATION UNDER 37 C.F.R. §1.132**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendments  
401 Dulany Street  
Alexandria, VA 22314

Sir:

I, the undersigned Pnina Fishman, hereby declare and state as follows:

Lea Madi, Sara Bar-Yehuda, and I are the joint inventors of the above-identified application, as evidenced by our declaration of record in this case.

An aspect of the present invention is disclosed in an Abstract entitled "High Expression of A3ARs in Melanoma and Colon Carcinoma Cell Lines: A Target for Tumor Cell Growth Inhibition," presented at the Seventh International Symposium on Adenosine and Adenine Nucleotides, Queensland, Australia, May, 2002, and published at Drug Development Research, 56(4):560 (2002).

This Abstract is cited as being relevant to the obviousness of the present invention in light of its

disclosure of the high expression of A3ARs in tumor cells. The concept that tumor cells have high expression of A3ARs is that of Lea Madi, Sara Bar-Yehuda, and me, jointly, without inventive input from any other individuals. The publication names Lea Madi, Sara Bar-Yehuda, Faina Barer, Tal Paninsova, Ardon Eti and me as authors. All six of us were properly named as authors, as all of us contributed to the experimentation reported in the abstract. However, while Lea Madi and Sara Bar-Yehuda were research scientists working in my laboratory with me and contributed to the concept that tumor cells will have an abnormally high expression level of A3ARs, the other three authors, Faina Barer, Tal Paninsova and Ardon Eti, were technicians or students who assisted us but did not contribute to this conception. All worked directly or indirectly at my direction and/or under the direction of Lea Madi and Sara Bar-Yehuda, so as to prove our concept about abnormally high expression of this receptor, but they did not contribute to our original concept.

Lea Madi, Sara Bar-Yehuda, and I are the true inventors of the present invention as well as of the concept disclosed in the above-identified abstract that led to the present invention. Accordingly, insofar as the abstract reports abnormally high expression in A3ARs in cancer cells, it is a report of our concept and thus is not the work of "another," notwithstanding the fact that it lists three additional individuals as authors.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sep. 18, 2006  
Date

P. Fishman  
Prina Fishman